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Examiner: C. Green  
Group Art Unit: 3635  
Confirmation No.: 1838

### **REMARKS**

Claims 1-38 were in the application as filed. Applicant acknowledges with thanks the Examiner's determination that claims 2 and 17 would be allowable if rewritten in independent form. The Examiner previously identified the following allegedly patentably distinct species of the claimed invention: Group 1, illustrated in Figures 1-8; Group 2, illustrated in Figure 9; and Group 3, illustrated in Figures 10-21. Applicant provisionally elected, with traverse, claims 1-6 and 16-21 (Group 1) for prosecution. The Examiner has withdrawn claims 7-15 and 22-38 from further examination. Consequently, claims 7-15 and 22-38 have been cancelled.

By the present Amendment, claims 16-21 have been amended for clarity. Claims 39 and 42, which are essentially claims 2 and 17 rewritten in independent form, have been added and are believed to be in condition for allowance. Claims 40-41 and 43-44, which depend from claims 39 and 42, respectively, have been added and are believed to be in condition for allowance. Claims 1-6 remain in the application unamended.

In this Office Action, the Examiner has rejected claims 1, 3, 4, 16, 18, and 19 under 35 U.S.C. §102, and claims 5, 6, 20, and 21 under 35 U.S.C. §103. These rejections are respectfully traversed. Reconsideration of the rejections is requested in view of the amendments and the following remarks.

#### **Rejections under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 1, 3, 4, 16, 18, and 19 under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 4,866,901 to Sanchez. This rejection is respectfully traversed.

Sanchez '901 discloses a hollow, cylindrical body adapted to slide over exposed wooden vigas in southwestern style buildings to conceal the deteriorated ends of the vigas. The cylindrical body is provided with an annular flange for attaching the body to the side of the building.

Claim 1 claims a simulated exposed roof rafter end comprising a sleeve portion and a mounting portion, the sleeve portion being adapted for attachment to the mounting portion. The sleeve portion in Applicant's claimed invention is attached to the mounting portion. In contrast,

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the cylindrical body in Sanchez '901 is attached to the side of the building. (Sanchez '901, col. 2, ln. 51-53).

Sanchez '901 does not disclose an exposed roof rafter end comprising a sleeve portion and a mounting portion in which the sleeve portion is attached to the mounting portion. Thus, claim 1 is not anticipated by Sanchez '901. Because claims 3 and 4 depend from claim 1, claims 3 and 4 are similarly not anticipated by Sanchez '901. Thus, claims 1, 3, and 4 are in condition for allowance.

Claim 16 claims a combination of a roof eave comprising a fascia and a soffit, and a simulated exposed roof rafter end, the simulated exposed roof rafter end comprising a sleeve portion and a mounting portion, the sleeve portion being attached to the mounting portion. As explained above, because the cylindrical body in Sanchez '901 is attached to the side of the building, claim 16 is not anticipated by Sanchez '901. Furthermore, Sanchez '901 does not disclose the combination of a roof eave comprising a fascia and a soffit, and a simulated exposed roof rafter end, as claimed in claim 16. Nevertheless, claim 16 has been amended to clarify that the invention claimed in claim 16 comprises the combination of a roof eave and a simulated exposed roof rafter end. Because claims 18 and 19 depend from claim 16, claims 18 and 19 are similarly not anticipated by Sanchez '901. Thus, claims 16, 18, and 19 are in condition for allowance.

#### **Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 5, 6, 20, and 21 under 35 U.S.C. § 103(a) as allegedly unpatentable over Sanchez '901, asserting that it would have been an obvious design consideration to one of ordinary skill in the art at the time the invention was made to provide a sleeve portion with a top and bottom wall and a pair of spaced-apart side walls, as claimed by Applicant. This rejection is respectfully traversed.

The Examiner has provided no factual support for the assertion that it would have been obvious as a design consideration to modify the cylindrical shape of the Sanchez '901 body to a rectilinear shape having top and bottom walls and a pair of spaced-apart side walls. Nevertheless, modifying the shape of the Sanchez '901 body would still not reach Applicant's

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invention. As discussed above, claim 1 calls for a sleeve portion attached to the mounting portion. Claims 5 and 6, depend from claim 1. Sanchez '901 does not disclose a simulated exposed roof rafter end comprising a sleeve portion and a mounting portion in which the sleeve portion is attached to the mounting portion. Even if it were an obvious design consideration to modify the shape of the Sanchez '901 body to a rectilinear shape, the resulting body would still not reach Applicant's invention. Thus, Applicant's simulated exposed roof rafter end claimed in claims 5 and 6 is not obvious in view of Sanchez '901 and the Examiner's alleged "design consideration."

With respect to claims 20 and 21, as discussed above, claim 16 claims a combination of a roof eave comprising a fascia and a soffit, and a simulated exposed roof rafter end, the simulated exposed roof rafter end comprising a sleeve portion and a mounting portion, the sleeve portion being attached to the mounting portion. Even if it were an obvious design consideration to modify the shape of the Sanchez '901 body to a rectilinear shape, the resulting body would still not reach Applicant's invention, for the reasons explained above. Thus, Applicant's combination of a roof eave and a simulated exposed roof rafter end claimed in claims 21 and 22 is not obvious in view of Sanchez '901 and the Examiner's alleged "design consideration."

Early notification of allowability is respectfully requested.

Respectfully submitted,

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